

**Maryland Department of the Environment
Clean Water Action Work Plan
FY 2014**

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State: Maryland

Area of Focus: Concentrated Animal Feeding Operations (CAFOs)

Goal: Ensure that permitting and compliance activities related to CAFOs that discharge to surface waters meet regulatory and statutory objectives.

Objectives:

- 1) Ensure all CAFOs obtain NPDES permit coverage sufficient to meet the national program goals for CAFOs.
- 2) Permits issued to CAFOs are protective of water quality and, where applicable, meet the objectives of the Chesapeake Bay Total Maximum Daily Load (TMDL).
- 3) Ensure compliance monitoring and enforcement activities identify and address violations in a timely and appropriate manner.

EPA Activities:

- 1) EPA will oversee Maryland's (MD) CAFO program to ensure implementation is consistent with the federal CAFO regulations.
- 2) EPA will work with MDE to address any deficiencies found in the *Review of Maryland's CAFO State Technical Standards* report (draft dated December 14, 2012) upon finalization.
- 3) EPA will work with MDE to track implementation of MD's most current CAFO Permit Strategy and Standard Operating Procedures Compliance/Enforcement for AFOs using manually reported information on MD's CAFO compliance monitoring, enforcement, and permitting activities, QEMs, and other mechanisms as appropriate.
- 4) EPA will work with MDE to develop a FY 2014 compliance monitoring strategy (CMS) for the MD CAFO program as part of MDE's comprehensive NPDES CMS for submission by October 31, 2013.
- 5) EPA will work with MDE to track progress towards increasing the availability of CAFO data into the ICIS national database.
- 6) EPA will conduct Quarterly Enforcement Management (QEM) calls with MDE.
- 7) Pursuant to the May 29, 2013 settlement agreement between EPA and CBF, EPA will conduct a program assessment of the Maryland animal agriculture programs to determine whether they are 1) consistent with the NPDES requirements, and 2) sufficiently aligned and effectively implemented to achieve the commitments in Maryland's animal-agriculture Chesapeake Bay WIP commitments.
- 8) Pursuant to the May 29, 2013 settlement agreement between EPA and CBF, EPA will inspect at least 4 AFOs in a small watershed in Maryland to

determine whether they are in compliance with legal requirements for reducing nitrogen, phosphorus, and sediment.

State Activities:

- 1) MDE will work with EPA to ensure that MD's implementation of the CAFO program is consistent with the federal regulations for CAFOs.
- 2) MDE will work with EPA and coordinate with the Maryland Department of Agriculture (MDA) as necessary to address any inconsistencies between the MD standard and federal requirements. If appropriate, MDE will submit a schedule for revision of the MD technical standard to EPA.
- 3) MDE will continue implementing Maryland's CAFO Permit Strategy and Standard Operating Procedures (SOP) Compliance/Enforcement for AFOs, including taking timely and appropriate enforcement, and provide any updates of these documents to EPA.
- 4) MDE will develop and submit to EPA a FY 2014 CMS for the MD CAFO program as part of MDE's comprehensive FY 2014 CMS by October 31, 2013. MDE's CAFO CMS should ensure that all registered CAFOs are inspected within a five year period.
- 5) MDE will develop facility-specific spreadsheets to track CAFO compliance monitoring, enforcement, and permitting activities until such information is available to EPA through ICIS-NPDES.
- 6) MDE will work with EPA to identify and track activities that will increase the availability of CAFO data into the ICIS-NPDES.
- 7) MDE will participate in QEM calls to provide necessary information to support compliance and permitting activities.
- 8) Maryland will work with EPA during EPA's program assessment of the Maryland animal agriculture programs to determine whether they are 1) consistent with the NPDES requirements, and 2) sufficiently aligned and effectively implemented to achieve the commitments in Maryland's animal-agriculture Chesapeake Bay WIP commitments.
- 9) MDE will participate in the watershed-based AFO inspections and coordinate with MDA as necessary.

Measures:

- 1) Number of state inspections.
- 2) Number of annual reports reviewed
- 3) Number and Percent of registered CAFOs with NPDES permit coverage
- 4) Number of formal enforcement actions

State Reporting:

- 1) Submit facility-specific information developed per State Activity #5 semi-annually through the Section 106 grant reporting process.
- 2) Report outputs/outcomes per the Measures Section semi-annually through Section 106 grant reporting process.
- 3) Provide verbal updates during QEM calls to track activities in this work plan.